CONGRESSIONAL RECORD.

PROCEEDINGS AND DEBATES OF THE FIFTY-EIGHTH CONGRESS.

SPECIAL SESSION OF THE SENATE.

SENATE.

THURSDAY, *March 5, 1903.*

The PRESIDENT pro tempore (Mr. WILLIAM P. FRYE, a Senator from the State of Maine) took the chair at 12 o'clock noon.

PRAYER.

Rev. F. J. PRETTYMAN, of the city of Washington, offered the following prayer:

Almighty God, Thy name is the measure of our present good, the promise and prophecy and realization of all our hopes and aspirations. We seek Thee not as a by-play in the midst of life's great drama, but as coming unto the one unchangeable and enduring and eternal substance of life. Times and seasons change in their constant ministrations of Thy providence, but Thou art the same. Life, and all the forms of it that we have known, is but a fleeting shadow. Thy years shall have no end. From everlasting to everlasting Thou art God. The path of duty and of a glorious destiny opens up toward Thee. Every other path is full of mystery and darkness and despair. But the way of the just shineth more and more even unto the perfect day.

We look out upon the vast field of human endeavor, with its contrast of opinions and conflict of interests, and we are overwhelmed with a sense of the greatness of human responsibility. Eighty millions can not establish justice; our highest and best thoughts can not adjust relationships so vast and varied, but our hope is in Thee. Grant us Thy continued favor, that all of our work begun, continued, and ended in Thee may find its justification in Thy will and its merit in the establishment of Thy purpose.

Grant Thy blessing upon the present session of the Senate of the United States, and may all of its deliberations secure to the people peace and prosperity and establish brotherhood among men and nations, for Christ's sake. Amen.

PROCLAMATION.

The PRESIDENT pro tempore. The Secretary will read the proclamation of the President of the United States convening the Senate in extraordinary session.

The Secretary (Mr. CHARLES G. BENNETT) read the proclamation, as follows:

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas public interests require that the Senate should convene in extraordinary session:

Therefore, I, Theodore Roosevelt, President of the United States of America, do hereby proclaim and declare that an extraordinary occasion requires the Senate of the United States to convene at the Capitol, in the city of Washington, on the 5th day of March next, at 12 o'clock noon, of which all persons who shall at that time be entitled to act as members of that body are hereby required to take notice.

Given under my hand and the seal of the United States at Washington, the 2d day of March, in the year of our Lord 1903, and of the Independence of the United States the one hundred and twenty-seventh.

THEODORE ROOSEVELT.

By the President:

JOHN HAY, *Secretary of State.*

ORDER OF PROCEDURE.

The PRESIDENT pro tempore. The Secretary will call the names of the newly elected Senators.

Mr. HOAR. Mr. President, I ask unanimous consent, before the names of the newly elected Senators are called, to make a statement in behalf of the chairman of Committee on Privileges and Elections, which it is important to the public to understand. It will take but a moment.

The PRESIDENT pro tempore. The Senator from Massachusetts asks unanimous consent that he may make a statement in behalf of the chairman of the Committee on Privileges and Elections. Is there objection? The Chair hears none.

Mr. CULLOM. I ask the chairman to allow me to present the credentials of Mr. HOPKINS, the Senator-elect from the State of Illinois.

Mr. HOAR. I should like to make a statement before that is done.

Mr. CULLOM. The credentials of all the other Senators-elect have been presented, and I should like to present the credentials at this time. It will take but a moment.

Mr. HOAR. I prefer to proceed with my statement.

Mr. CULLOM. Very well.

The PRESIDENT pro tempore. The Senator from Massachusetts will proceed.

Mr. HOAR. The Chairman of the Committee on Privileges and Elections, the Senator from Michigan [Mr. BURROWS], is obliged to be absent. He desired me to state in his behalf that he understands the orderly and constitutional method of procedure in regard to administering the oath to newly elected Senators to be that when any gentleman brings with him or presents a credential consisting of the certificate of his due election from the executive of his State he is entitled to be sworn in, and that all questions relating to his qualification should be postponed and acted upon by the Senate afterwards.

If there were any other procedure the result would be that a third of the Senate might be kept out of their seats for an indefinite time on the presenting of objection without responsibility, and never established before the Senate by any judicial inquiry. The result of that might be that a change in the political power of this Government which the people desired to accomplish would be indefinitely postponed.

I make this statement at the request of the Senator from Michigan [Mr. BURROWS].

CREDENTIALS.

Mr. CULLOM presented the credentials of ALBERT J. HOPKINS, chosen by the legislature of the State of Illinois a Senator from that State for the term beginning March 4, 1903; which were read and ordered to be filed.

SWEARING IN OF SENATORS.

The PRESIDENT pro tempore. The Secretary will call the names of the newly elected Senators whose credentials are on file, four——

Mr. LODGE. Is it not necessary first to call the entire roll to show the presence of a quorum?

The PRESIDENT pro tempore. It has not heretofore been done. The Chair examined the precedents in reference to that point this morning.

Mr. BACON. As the question has been suggested, I ask that the roll be called.

The PRESIDENT pro tempore. It will be the old roll call, all the newly elected members, of course, being left out. The Chair is of opinion that the proceeding he proposes is the correct one—to have the newly elected Senators first sworn in and then a roll call.

Mr. BACON. I have no disposition to press my individual view. I think, however, the suggestion of the Senator from Massachusetts is correct. The Senate certainly can not be in session for the purpose of administering oaths to new Senators unless there is a quorum of the Senate present. This is a continuing body. Still I will not press it if it is the sense of the Senate that it should not be done.

Mr. BLACKBURN. Mr. President, it occurs to me that the President is entirely correct in his construction on this matter. If you order a roll call it must be a roll call of Senators. One-third of this Chamber would be left out of that roll call, because one-third come in each two years.

So if a roll call is now had there must be a roll call of those who have already been sworn in as Senators. That is, you are going to require a quorum to be shown. A quorum of what? A quorum of men who have been sworn in as Senators, and you have only two-thirds of the membership of the Senate out of which to get that quorum. But if you will allow the Chair to proceed as he has suggested, the oath will be administered to the Senators-elect, and you will find that you have a quorum, I have no doubt.

Mr. TILLMAN. Mr. President, I should like to ask the Senator from Georgia, if a quorum did not appear, would we have to disappear from here and go and not swear in the newly elected Senators? That certainly would be the case, or we would have to sit here until we could send and get a quorum of those who have been already sworn in. My experience here has taught me that a quorum is always supposed to be present, unless some Senator makes the point that there is none.

The PRESIDENT pro tempore. The Senator from South Carolina, in the judgment of the Chair, is entirely right. The presumption is that there is a quorum present, and until a suggestion is made that there is no quorum present it is not necessary to have a roll call.

Mr. BACON. Mr. President, I stated that I would not press the suggestion. It was based exclusively upon the fact that the Senator from Massachusetts had already stated that there might not be a quorum present. It was upon that that I predicated what I said.

Mr. LODGE. I did not suggest the absence of a quorum. I merely made a parliamentary inquiry, which the Chair has decided.

The PRESIDENT pro tempore. The Secretary will call the names of the newly elected Senators whose credentials are on file, calling four at a time, and as their names are called they will present themselves and take the oath required by law.

The Secretary called the names of—

Mr. ALLISON, Mr. ANKENY, Mr. CLARKE of Arkansas, and Mr. CLAY.

Mr. FOSTER of Washington. My colleague elect, Mr. ANKENY, is at his hotel, in the charge of physicians, so that he can not be here to-day.

Mr. ALLISON and Mr. CLAY were escorted to the Vice-President's desk by Mr. DOLLIVER and Mr. BACON, respectively, and the oath prescribed by law was administered to them.

The Secretary called the names of Mr. DILLINGHAM, Mr. FAIRBANKS, Mr. FORAKER, and Mr. FULTON.

The Senators whose names were called were escorted to the Vice-President's desk by Mr. PROCTOR, Mr. BEVERIDGE, Mr. HANNA, and Mr. MITCHELL, respectively, and the oath prescribed by law was administered to them.

The Secretary called the names of Mr. GALLINGER, Mr. GORMAN, Mr. HANSBROUGH, and Mr. HEYBURN.

Mr. BURNHAM. I desire to state that my colleague [Mr. GALLINGER] is necessarily absent.

Mr. GORMAN, Mr. HANSBROUGH, and Mr. HEYBURN were escorted to the Vice-President's desk by Mr. MCCOMAS, Mr. WARREN, and Mr. DUBOIS, respectively, and the oath prescribed by law was administered to them.

The Secretary called the names of Mr. HOPKINS, Mr. KITTREDGE, Mr. LATIMER, and Mr. LONG.

The Senators whose names were called were escorted to the Vice-President's desk by Mr. CULLOM, Mr. GAMBLE, Mr. TILLMAN, and Mr. BURTON, respectively, and the oath prescribed by law was administered to them.

The Secretary called the names of Mr. MCCREARY, Mr. MCENERY, Mr. MALLORY, and Mr. NEWLANDS.

The Senators whose names were called were escorted to the Vice-President's desk by Mr. BLACKBURN, Mr. FOSTER of Louisiana, Mr. TALIAFERRO, and Mr. STEWART, respectively, and the oath prescribed by law was administered to them.

The Secretary called the names of Mr. OVERMAN, Mr. PENROSE, Mr. PERKINS, and Mr. PETTUS.

The Senators whose names were called were escorted to the Vice-President's desk by Mr. SIMMONS, Mr. KEAN, Mr. BARD, and Mr. MORGAN, respectively, and the oath prescribed by law was administered to them.

The Secretary called the names of Mr. PLATT of Connecticut, Mr. PLATT of New York, and Mr. SMOOT.

The Senators whose names were called were escorted to the Vice-President's desk by Mr. ALDRICH, Mr. DEPEW, and Mr. KEARNS, respectively, and the oath prescribed by law was administered to them.

The Secretary called the names of Mr. SPOONER, Mr. STONE, and Mr. TELLER.

Mr. SPOONER and Mr. TELLER were escorted to the Vice-President's desk by Mr. QUARLES and Mr. PATTERSON, respectively, and the oath prescribed by law was administered to them.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich,	Depew,	Hopkins,	Overman,
Allee,	Dillingham,	Kean,	Patterson,
Allison,	Dolliver,	Kearns,	Penrose,
Bacon,	Dubois,	Kittredge,	Perkins,
Ball,	Elkins,	Latimer,	Pettus,
Bard,	Fairbanks,	Lodge,	Platt, Conn.
Bate,	Foraker,	Long,	Platt, N. Y.
Berry,	Foster, La.	McComas,	Proctor,
Beveridge,	Foster, Wash.	McCreary,	Quarles,
Blackburn,	Frye,	McCumber,	Simmons,
Burnham,	Fulton,	McEnery,	Smoot,
Burton,	Gamble,	McLaurin,	Spooner,
Carmack,	Gibson,	Mallory,	Stewart,
Clapp,	Gorman,	Martin,	Taliaferro,
Clark, Mont.	Hale,	Millard,	Teller,
Clark, Wyo.	Hanna,	Mitchell,	Tillman,
Clay,	Hansbrough,	Morgan,	Warren,
Cockrell,	Heyburn,	Nelson,	Wetmore.
Cullom,	Hoar,	Newlands,	

Mr. MCLAURIN. Mr. President, my colleague [Mr. MONEY] is absent from the Chamber because of sickness.

The PRESIDENT pro tempore. Seventy-five Senators have responded to their names.

SENATORS PRESENT.

The Senators-elect having been sworn and taken their seats in the Senate, the following Senators were present:

Alabama—John T. Morgan and Edmund W. Pettus.
Arkansas—James H. Berry.
California—Thomas R. Bard and George C. Perkins.
Colorado—Thomas M. Patterson and Henry M. Teller.
Connecticut—Orville H. Platt.
Delaware—J. Frank Allee and L. Heisler Ball.
Florida—Stephen R. Mallory and James P. Taliaferro.
Georgia—Augustus O. Bacon and Alexander S. Clay.
Idaho—Fred T. Dubois and Weldon B. Heyburn.
Illinois—Shelby M. Cullom and Albert J. Hopkins.
Indiana—Albert J. Beveridge and Charles W. Fairbanks.
Iowa—William B. Allison and Jonathan P. Dolliver.
Kansas—Joseph R. Burton and Chester I. Long.
Kentucky—Joseph C. S. Blackburn and James B. McCreary.
Louisiana—Murphy J. Foster and Samuel Douglas McEnery.
Maine—William P. Frye and Eugene Hale.
Maryland—Arthur P. Gorman and Louis E. McComas.
Massachusetts—George F. Hoar and Henry Cabot Lodge.
Michigan—
Minnesota—Moses E. Clapp and Knute Nelson.
Mississippi—Anselm J. McLaurin.
Missouri—Francis M. Cockrell.
Montana—William A. Clark and Paris Gibson.
Nebraska—Charles Dietrich and Joseph H. Millard.
Nevada—Francis G. Newlands and William M. Stewart.
New Hampshire—Henry E. Burnham.
New Jersey—John Kean.
New York—Chauncey M. Depew and Thomas C. Platt.
North Carolina—Lee S. Overman and Furnifold McL. Simmons.
North Dakota—Henry C. Hansbrough and Porter J. McCumber.
Ohio—Joseph B. Foraker and Marcus A. Hanna.
Oregon—Charles W. Fulton and John H. Mitchell.
Pennsylvania—Boies Penrose.
Rhode Island—Nelson W. Aldrich and George P. Wetmore.
South Carolina—Asbury C. Latimer and Benjamin R. Tillman.
South Dakota—Robert J. Gamble and A. B. Kittredge.
Tennessee—William B. Bate and Edward W. Carmack.
Texas—
Utah—Thomas L. Kearns and Reed Smoot.
Vermont—William P. Dillingham and Redfield Proctor.
Virginia—Thomas S. Martin.
Washington—Addison G. Foster.
West Virginia—Stephen B. Elkins.
Wisconsin—Joseph V. Quarles and John C. Spooner.
Wyoming—Clarence D. Clark and Francis E. Warren.

NOTIFICATION TO THE PRESIDENT.

Mr. HOAR submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That a committee of two Senators be appointed to wait upon the President of the United States and inform him that a quorum of the Senate is assembled, and that the Senate is ready to receive any communication he may be pleased to make.

The PRESIDENT pro tempore appointed Mr. HOAR and Mr. COCKRELL as the committee under the resolution.

HOUR OF MEETING.

Mr. ALLISON submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the hour of the daily meeting of the Senate be 12 o'clock meridian until otherwise ordered.

PERSONAL EXPLANATION—SOUTH CAROLINA STATE CLAIM.

Mr. TILLMAN. Mr. President, pending the report of the committee which has just been appointed, I desire to rise to a question of privilege.

The PRESIDENT pro tempore. The Senator from South Carolina is recognized for that purpose.

Mr. TILLMAN. In the second or continued part of the CONGRESSIONAL RECORD of March 3, which did not come from the Printer until late yesterday morning, I find a very remarkable speech, so remarkable——

Mr. PETTUS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from South Carolina yield to the Senator from Alabama?

Mr. TILLMAN. With pleasure.

Mr. PETTUS. It is the universal custom, Mr. President, to transact no business until the President has been informed that the Senate is in session.

Mr. TILLMAN. If the Chair shall so rule, I will very quietly subside and wait until we get into working order. I simply wanted to save some time. It will take half an hour or more to go to the White House and return. I will await the decision of the Chair.

The PRESIDENT pro tempore. The Chair knows of no parliamentary rule which prevents a Senator from addressing the Senate under such circumstances.

Mr. PETTUS. It is not a parliamentary rule, I admit; but it is a custom of the Senate and a rule of courtesy.

The PRESIDENT pro tempore. The Chair thinks it is the custom of the Senate.

RECESS.

Mr. TILLMAN (at 12 o'clock and 35 minutes p. m.). Then I move that the Senate take a recess for half an hour.

The motion was agreed to; and at the expiration of the recess (at 1 o'clock and 5 minutes p. m.) the Senate reassembled.

Mr. KEAN. I move that the Senate take a further recess for ten minutes.

The motion was agreed to; and at the expiration of the recess (at 1 o'clock and 15 minutes p. m.) the Senate reassembled.

NOTIFICATION TO THE PRESIDENT.

Mr. HOAR and Mr. COCKRELL, the committee appointed to wait upon the President of the United States, appeared below the bar, and

Mr. HOAR said: Mr. President, the committee who were appointed to inform the President of the United States that the Senate is in session, that a quorum is present, and that the Senate is ready to transact business and receive any communication he may think fit to make, have attended to that duty, and the President replied that he would make to the Senate a communication in writing directly.

(Sundry messages in writing from the President were communicated to the Senate by Mr. B. F. BARNES, one of his secretaries.)

WORK OF THE SESSION.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which was read, and ordered to lie on the table and be printed:

To the Senate:

I have called the Senate in extraordinary session to consider the treaties concerning which it proved impossible to take action during the session of Congress just ended. I ask your special attention to the treaty with the Republic of Colombia, securing to the United States the right to build an isthmian canal, and to the treaty with the Republic of Cuba, for securing a measure of commercial reciprocity between the two countries.

The great and far-reaching importance of these two treaties to the welfare of the United States and the urgent need for their adoption require me to impose upon you the inconvenience of meeting at this time.

THEODORE ROOSEVELT.

WHITE HOUSE, *March 5, 1903.*

PERSONAL EXPLANATION—SOUTH CAROLINA STATE CLAIM.

Mr. TILLMAN. Mr. President——

Mr. HOAR. I rose to move that the Senate proceed to the consideration of executive business; but if the Senator from South Carolina proposes to proceed I will withhold the motion.

Mr. TILLMAN. I wish to speak.

Mr. HOAR. Very well.

Mr. TILLMAN. Mr. President, I rise to a question of privilege. In the CONGRESSIONAL RECORD of March 3—the continued part, which only came from the Printer late yesterday morning, and which, therefore, I did not read, or I should have taken occasion to comment on it before the adjournment of Congress—I find a very remarkable speech. I do not know that there has ever been a similar one—certainly if there has been I have not read it—delivered in either branch of Congress. I quote:

Mr. CANNON. Gentlemen know that under the practice of the House and under the rules of the Senate the great money bills can contain nothing but appropriations in pursuance of existing law, unless by consent of both bodies. If any one of these bills contains legislation, it must be by unanimous consent of the two bodies; and the uniform practice has been, so far as I know, the invariable practice has been, with the exception of one amendment upon this bill, that when one body objected to legislation proposed by the other upon an appropriation bill, the body proposing the legislation has receded.

In this case the trouble in arriving at an agreement all clustered about one amendment. There were many amendments of a legislative character proposed by the Senate; there were many amendments, covering hundreds of thousands of dollars of claims, pure and simple, proposed by the Senate.

One by one the legislative provisions and the claims disappeared as the Senate receded, until we came to an amendment to pay the State of South Carolina $47,000. A word as to that. In May last, on the omnibus claim bill then passed, a basis was fixed for the adjustment of the accounts of Virginia and Baltimore and South Carolina with the United States, growing out of the war of 1812-1815.

The auditing officers of the Treasury, in pursuance of that law, adjusted the accounts of Virginia. An indefinite appropriation was made to pay the respective States whatever should be found due by the auditing officers. Upon that basis and under that legislation the sum of $100,000 in round numbers has been paid to the State of Virginia.

Under that same law, which is the law to-day, the auditing officers, in the adjustment of accounts, found due to the State of South Carolina the sum of 34 cents. Now, the Senate of the United States, notwithstanding the law to which I have referred, proposed legislation on an appropriation bill to the extent of granting to the State of South Carolina $47,000.

The House conferees objected, and the whole long delay has been over that one item. In the House of Representatives, without criticising either side or any individual member, we have rules, sometimes invoked by our Democratic friends and sometimes by ourselves—each responsible to the people after all said and done—by which a majority, right or wrong, mistaken or otherwise, can legislate.

In another body there are no such rules. In another body legislation is had by unanimous consent. In another body an individual member of that body can rise in his place and talk for one hour, two hours, ten hours, twelve hours. It is a matter of history that a Senator on the Republican side, in a former Congress, talked to death a river and harbor bill.

There comes a time constantly in the settling of bills when you must do so and so or so and so, else your bill can not pass, and this with reference to the great money bills. In my opinion, such a condition existed as to this bill and clustered about this one amendment. There was also an amendment put on the bill in that body involving legislation to the extent of granting to the State of Vermont $150,000 in adjustment of her war claims.

The Senate receded, but your conferees were unable to get the Senate to recede upon this gift from the Treasury, against the law, to the State of South Carolina. By unanimous consent another body legislates, and in the expiring hours of the session we are powerless without that unanimous consent. "Help me, Cassius, or I sink!"

Unanimous consent comes to the center of the Dome; unanimous consent comes through Statuary Hall and to the House doors and comes practically to the House. We can have no legislation without the approval of both bodies, and one body, in my opinion, can not legislate without unanimous consent. There was the alternative.

In my opinion this applied not only to the deficiency bill, but to the naval bill, an agreement as to the naval bill. Your conferees had the alternative of submitting to legislative blackmail at the demand, in my opinion, of one individual—I shall not say where—or of letting these great money bills fail. Now, what are we going to do about it? This bill contains many important matters—your appropriations for public buildings, legislation lately had all along the line of the public service to the extent of $20,000,000.

Now, I have taken the House into my confidence touching this matter, as it is my duty to do. I am getting to be a somewhat aged man. I pray God that my life may be spared until an intelligent and a righteous sentiment, North and South, East and West, pervading both of the great parties will lash anybody into obedience to the right of the majority to rule—and majorities and minorities shift back and forth.

Ah, says somebody, did that work in reference to the matter of statehood, and did you believe in statehood? I did not believe in statehood, and I am putting now the strongest case against my own party, but a majority of the people, voiced in the Senate and the House, had the right to have its will expressed.

Gentlemen, I have made my protest. I do it in sorrow and in humiliation, but there it is; and in my opinion another body under these methods must change its methods of procedure, or our body, backed up by the people, will compel that change, else this body, close to the people, shall become a mere tender, a mere bender of the pregnant hinges of the knee, to submit to what any one member of another body may demand of this body as a price for legislation.

And the reporter states that there were "prolonged applause and cheers."

Mr. President, there are two issues involved here—one affecting the honor and dignity of this august body, which has been declared to be the grandest legislative assembly in the world, and the other affecting my official integrity, my official responsibility, and my personal character to some extent. I would that those of my elders here, so many of whom are far better equipped and abler than I to speak for the Senate, felt called on to do so in this connection; but I will endeavor, even in my humble way, to show that this speech which I have just read is wholly indefensible, is more or less indecent, and an outrage.

I will deal with the Senate's case first, because it is of so much more importance than my own. I find in Jefferson's Manual, on page 75, this language:

It is highly expedient, says Hatsel, for the due preservation of the privileges of the separate branches of the legislature, that neither should encroach on the other, or interfere in any matter depending before them, so as to preclude, or even influence, that freedom of debate which is essential to a free council. They are, therefore, not to take notice of any bills or other matters depending, or of votes that have been given, or of speeches which have been held, by the members of either of the other branches of the legislature, until the same have been communicated to them in the usual parliamentary manner.

Here we have the broad, general principle of parliamentary law and of that comity which this distinguished writer says must obtain between two branches of a legislature, and I ask Senators to say whether or not it has not been grossly violated. There is one remarkable, phenomenal utterance here which shows to what extent the power which has lapsed, or appears to have lapsed, from the hands of the representatives of the people into the hands of a few men has made those men drunk. They have grown so tyrannical—shall I say?—in their methods and in dealing with themselves and their own rights and privileges that the leader of the House,

the man charged with the great responsibility of the chairmanship of the Appropriations Committee, and who is booked to be the next Speaker, has seen fit in the House to use this language:

In my opinion another body under these methods must change its methods of procedure, or our body, backed up by the people, will compel that change.

"Our body," the House of Representatives, will compel the Senate, not after the people shall have acted, not in aid of the people, but will go ahead and lead and do the thing with the assistance of the people, and "compel" the Senate to adopt such rules as the Chamber at the other end of the Capitol sees fit to demand that we shall adopt. It appears to be a large exhibition of charity to allow the "people" to participate in this reformation!

There are other numerous disrespectful comments here upon the action of the Senate. The Senate as a whole is charged not only with dereliction of duty, but with surrendering to robbery, to "blackmail."

I could go on at length and comment on this utterance, but I will leave that phase of the subject, because I do not think it needs any further discussion. Senators all realize that a most outrageous thing has been perpetrated. I do not care to speak at any further length on the indignity put upon us. I feel sure, from my experience with the great men with whom I have the honor to associate, that any such talk as that will pass us by as the idle wind, and we will continue to do business in the constitutional way, after the manner of our fathers. The Senate which sits to-day is the lineal successor and the continuous successor of the first Senate, for the Senate never dies. It can say, with Tennyson's brook—

Men may come and men may go,
But I go on forever.

I will now address myself to the other phase which was the occasion of this outburst which relates to me personally. It is rather a long story, but Senators will pardon me if I go into it fully, because the occasion is one of such gravity. The charge against the Senate is of such a character, affecting its honor and dignity, and the charge against me as a Senator—while my name is not mentioned, I am too clearly singled out to permit me to pass it over lightly, and I must furnish the absolute and indubitable evidence of the error into which Mr. CANNON has fallen and the outrage which he has perpetrated in speaking of me in the manner in which he has.

I will begin with reading an extract from the act approved March 3, 1899, to amend an act entitled "An act to reimburse the governors of States and Territories for expenses incurred by them in aiding the United States to raise and organize and supply and equip the Volunteer Army of the United States in the existing war with Spain," approved July 8, 1898, and for other purposes. In that act I find this language, after providing for certain settlements:

Provided, That when such unsettled account is caused by a default in payment of principal or interest on any bonds or stock issued or guaranteed by any State, the ownership of which is vested in the United States, the Secretary of the Treasury be, and he is hereby, authorized and directed to institute any act or proceeding which he may consider advisable against such State or its representatives to secure the payment of the principal and interest of said bonds or stocks.

I now read from a letter of the Secretary of the Treasury:

Under the proviso in this section, demand was made by this Department, November 8, 1890, upon the State of South Carolina for payment of the indebtedness of the State to the United States on account of State stocks due and unpaid, amounting to $248,750, as follows:

State stock due and unpaid	$125,000
Interest thereon	123,750
Total	248,750

Then follows that which I will incorporate in the RECORD to save time, a letter from the Secretary of the Treasury, dated November 8, 1899, addressed to the Hon. William H. Ellerbe, governor of South Carolina, in which attention is called to this unpaid obligation of our State and a demand made that there shall be settlement.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., November 8, 1899.

SIR: I have the honor to invite your attention to section 4 of the act of Congress approved March 3, 1899 (30 Stats., p. 1356), entitled "An act to amend an act to reimburse the governors of States and Territories for expenses incurred by them in aiding the United States to raise and organize and supply and equip the Volunteer Army of the United States in the existing war with Spain," etc., as follows:

"SEC. 4. That the expenses incurred by the governors of States in carrying out the provisions of this act shall be paid to them, notwithstanding any unsettled accounts, claims, or indebtedness of the United States against their States, and without prejudice to such unsettled accounts: *Provided*, That when such unsettled account is caused by a default in payment of principal or interest on any bonds or stocks issued or guaranteed by any State, the ownership of which is vested in the United States, the Secretary of the Treasury be, and he is hereby, authorized and directed to institute any act or proceeding which he may consider advisable against such State or its representatives to secure the payment of the principal and interest of said bonds or stocks." * * *

I inclose herewith a statement of the matured South Carolina State stocks, due and unpaid, belonging to the United States, amounting to $125,000, with coupons attached for $123,750, a total of $248,750.

In pursuance of the foregoing provision of law, I have now to request payment of the indebtedness of the State of South Carolina to the United States, as shown by the inclosed statement.

Respectfully,
L. J. GAGE,
Secretary.

Hon. WILLIAM H. ELLERBE,
Governor of South Carolina, Columbia, S. C.

Mr. President, as one of the representatives of the State at that time this communication was sent to me. I immediately began to investigate it, to look about and see the situation, and after a long and laborious search into the archives of the Government, delving into accounts, searching records, looking up statutes, and going into decisions, and doing other various and multifarious labors, many of which I performed myself, but most of which were performed by the Senate's assistant librarian, Mr. Baker, who is a South Carolinian and who pursued the investigation under my direction, I discovered that so far from South Carolina being in default and owing the United States anything, we were a creditor of the United States and that we were prepared to settle and pay $248,000, principal and interest of bonds in full, if we could get the same recognition that had been given to half a dozen other States under similar circumstances.

I therefore secured the passage by the Senate of a resolution instructing the Secretary of the Treasury to send an accounting between the State of South Carolina and the United States; called attention to this old claim of ours for the war of 1812, which had lain buried for these eighty years or more, and I have in my hands the report. I shall not read it, but will insert it in full.

[Senate Document No. 320, Fifty-sixth Congress, first session.]

ACCOUNT BETWEEN THE UNITED STATES AND SOUTH CAROLINA.

Letter from the Secretary of the Treasury, transmitting, in response to resolution of the Senate of April 17, 1900, a statement of account between the United States and the State of South Carolina. April 30, 1900.—Laid on the table and ordered to be printed.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, April 28, 1900.

SIR: I have the honor to acknowledge the receipt of the resolution of the Senate of the United States dated April 17, 1900, as follows:

"*Resolved*, That the Secretary of the Treasury be, and he is hereby, directed to adjust the accounts between the United States and the State of South Carolina on the following basis, and report what amount will be due said State June 30, 1900.

"First. Take the amount due the State of South Carolina on July 19, 1832, for moneys expended in the war of 1812, as shown in a letter from the Secretary of the Treasury of January 9, 1900; calculate the interest on same to date of the maturity of the bonds of South Carolina held by him as custodian of the Indian trust fund, to wit, January 1, 1881; deduct the amount due by the State, principal and interest, on bonds from the amount due the State by the United States, and calculate interest on balance to June 30, 1900, thus showing the amount, principal and interest, due the State at that date.

"Second. Add to this amount the sum due the State of South Carolina for moneys expended in the war of 1836 and 1837, as shown by the letter of the Secretary of the Treasury February 20, 1900, calculating the interest on said amount up to June 30, 1900."

In reply thereto I have the honor to report as follows:

Amount due the State of South Carolina, July 19, 1832, for moneys expended in the war of 1812, as shown in the report of the Auditor for War Department of January 9, 1900, transmitted to the Senate by the Secretary of the Treasury January 15, 1900 (Senate Doc. No. 232, Fifty-sixth Congress, first session)		$77,028.02
Interest thereon, at 6 per cent, from July 19, 1832, to January 1, 1881, the date of maturity of South Carolina bonds owned by the United States (formerly in the Indian trust fund)		223,910.96
		300,938.98
Deduct:		
Principal of bonds of South Carolina, matured January 1, 1881, owned by the United States	$125,000	
Add interest due thereon to January 1, 1881	123,750	
		248,750.00
Balance due January 1, 1881		52,188.98
Add interest on balance from January 1, 1881, to June 30, 1900		61,061.11
		113,250.09
Add interest to June 30, 1900, on claims of the State on account of Florida war, paid June 8, 1854, and September 30, 1855, in the sums of $17,786.05 and $1,583, respectively, on basis of report of Auditor for War Department of February 19, 1900, transmitted to the Senate by the Secretary of the Treasury February 20, 1900 (Senate Doc. No. 190, Fifty-sixth Congress, first session), as follows:		
Interest—		
On $17,786.05 from July 1, 1839, to June 8, 1854	$15,942.23	
On $1,583 from July 1, 1839, to September 30, 1855	1,543.42	
Taking these amounts as a principal, the interest thereon to June 30, 1900, is as follows:		
On $15,942.23 from June 8, 1854, to June 30, 1900	44,058.21	
On $1,543.42 from September 30, 1855, to June 30, 1900	4,144.18	
		65,688.04
Total due the State June 30, 1900, as called for in Senate resolution of April 17, 1900		178,938.13

Respectfully,
L. J. GAGE, *Secretary.*

The PRESIDENT OF THE SENATE.

I will simply state for the information of those who are doing me the honor to listen that it is shown therein by the records of the Government itself, not from anything which we brought, that an adjustment of the accounts of South Carolina with the United States for the war of 1812 and the war with the Indians of 1836 left the United States indebted to us $178,000. Upon that basis I introduced a bill, Senate bill 4607, first session Fifty-sixth Congress, which was reported by the Senator from Maryland [Mr. MCCOMAS] from the Committee on Claims, taken up in this

body and passed without opposition, because the reports showed indubitably to the mind of any decent, honest man that South Carolina was entitled to this amount.

The House would not pass it. We could not get them to even consider it under those liberal rules which appear to be in vogue over there and with which my friend the chairman of the Committee on Appropriations of the House is so much in love. Nothing appears to go except by the "unanimous consent" of a few of the leaders. The "unanimous consent" of the members has fallen into innocuous desuetude, so to speak, and the "unanimous consent" about which he speaks so affectionately is the unanimous consent of those who are in control. I am only saying that that appears to be the situation. I do not wish to criticise the House. I would not read a rule dealing with the comity between the two bodies and then turn around and transcend it, when I am endeavoring to show that it has been violated in a very improper manner by a member of the other body. I do not know what can be done. I suppose this will drop out of sight like a good many other contests between the two Houses and will go into the legislative record and disappear there. I would not discuss it but for the intemperate and angry words of the chairman of the House conferees.

Now, what about this claim of South Carolina? Why did I press the settlement. Here [exhibiting] is the only instrument of the kind, I imagine, in the whole world. Under the guise of a conference report there was brought into the Senate and adopted as a part of that report, without our knowing it, a provision in this act from which I have read authorizing the Secretary of the Treasury to have the Attorney-General sue the State of South Carolina and the State of Virginia to collect this debt due the Indian trust fund. I hold in my hand a document, from which I quote, "In the Supreme Court of the United States, October term, 1900. The United States of America, plaintiff, *v.* The State of South Carolina, defendant. No. —. Original.

MOTION.

Now come the United States of America, by the Attorney-General thereof, and moves for leave to institute an action in this court against the State of South Carolina upon the cause of action specified in the declaration hereto attached, and further moves the court to issue summons herein.

JOHN W. GRIGGS,
Attorney-General of the United States.
JOHN K. RICHARDS,
Solicitor-General.
GEORGE HINES GORMAN,
Special Attorney.

In the Supreme Court of the United States, October term, 1899. The United States of America, plaintiff, *v.* The State of South Carolina, defendant. No. —. Original.

DISTRICT OF COLUMBIA,
County of Washington, ss:

The United States of America, the plaintiff in this action, by John W. Griggs, the Attorney-General thereof, complains of the State of South Carolina, the defendant herein, which has been summoned to answer the said plaintiff in an action of debt; and thereupon the said plaintiff demands of the said defendant the sum of $248,750, good and lawful money of the United States of America, which the said defendant owes to and detains from the said plaintiff.

For that heretofore, to wit, upon the 1st day of January, in the year of our Lord 1856, by its certain 125 writings obligatory, sealed with its seal and duly issued under and by virtue of a statute of the said defendant, the said State of South Carolina passed and ratified on the 19th day of December, in the year of our Lord 1855, known as coupon bonds, now here shown unto the court, of each of which the following, in all things material, is a true copy, to wit:

UNITED STATES OF AMERICA,
State of South Carolina:

The State of South Carolina will pay to I. D. Ashmore, or bearer, $1,000, with interest thereon at the rate of 6 per cent per annum, payable semi-annually, on the first days of January and July, on the presentation of the proper coupons for the same hereto annexed, at the State treasury office in Charleston, where the principal sum will also be paid on the surrender of this bond on the 1st day of January, in the year 1881, and not before, without the consent of the holder of this bond, which is issued in pursuance of an act of the general assembly of the State of South Carolina, ratified on the 19th day of December, A. D. 1855.

In witness whereof the governor of the State has hereunto subscribed his name and caused the seal of the State to be hereunto affixed, the 1st day of January, A. D. 1856.

By the governor.

T. H. ADAMS,
Governor.
I. PATTERSON,
Secretary of State.

Countersigned by—

I. D. ASHMORE,
Comptroller-General.

[State of [SEAL] South Carolina.]

Whereby the said defendant acknowledged itself to be held and firmly bound unto the plaintiff in the principal sum of $125,000, payable at the said treasury office in the city of Charleston, in the State of South Carolina, on the 1st day of January, A. D. 1881, and in the sum of $123,750, interest on said principal sum at the rate of 6 per cent per annum, payable semiannually on the first days of January and July of each year, from the date of said bond until the maturity thereof, likewise payable at the office of the State treasury, in the city of Charleston and the State of South Carolina, as witness its certain 4,125 writings obligatory, each for the sum of $30, and attached to the said bonds, known as coupons. And whereas the said plaintiff at the dates when said bonds became due, as aforesaid, and upon the several dates when said coupons became due, as aforesaid, duly demanded of the said defendant the said sum of $248,750, yet the said defendant hath not paid the same to the plaintiff, either in whole or in part, but so to do hath wholly neglected and refused, and still doth neglect and refuse, to the damage of the plaintiff in the sum of $50,000, and therefore they bring this suit.

JOHN W. GRIGGS,
Attorney-General of the United States.

JOHN K. RICHARDS, *Solicitor-General.*
GEORGE HINES GORMAN, *Special Attorney.*

I recollect that, in endeavoring to get an adjustment of these claims which were pressed here by the Senator from Virginia and myself, I offered an amendment providing for an adjustment and an accounting, and it was ruled out on the point of order that it was legislation such as Mr. CANNON has spoken about, and we could get no redress. But the Senate did incorporate a certain proviso in one of its bills, I have forgotten which. Here [exhibiting] is the debate. I had endeavored earnestly to get the Senate to permit the State of South Carolina simply to have a settlement and let a report come as to what that settlement involved. The Senate said, "We can not do that, but we will order the Attorney-General to stop the suit." Then I protested in this language, which I read from the CONGRESSIONAL RECORD of May 31, 1900:

Mr. President, I shall object to anything except to the repeal of the provision—

The first proposition was to order that they should be suspended temporarily—

authorizing suits against the States, because, if we have to be sued, I prefer to trust the Supreme Court of the United States to recognize the claims of the States, which have been declared to be valid by the Secretary of the Treasury and by previous acts of Congress, rather than attempt to get justice here. I will not consent to anything other than a repeal absolutely of the provision authorizing the suits to be begun. Otherwise let the suits go on.

The authority to sue was repealed, and there it was dropped, but I did not stop trying to get the just dues for my State which had been shown to exist in regard to the war of 1812. For forty years South Carolina had been out of court, so to speak, a pariah, an outcast, with no voice here, with no one to speak for her, with nobody to ask that she should receive recognition or justice; and if this claim is old, older than almost any other claim on the book, you might say, it is because of that fact and the conditions growing out of the civil war.

But what about the claim other than the reports I have produced? I have the records here from the various bureaus of the Treasury, the Auditor for the War Department, and Secretary Gage. And how did it come that Mr. CANNON could say that the accounting officers found that they owed us 34 cents? I will explain. In the omnibus claims act, to which he has made allusion, after providing for an accounting between the United States and the States of Virginia and South Carolina upon the basis of the claim of the State of Maryland, which was settled in 1858, and the States of Maine and Massachusetts, which claims were settled in 1872, those States receiving, respectively, some $280,000, I think, in one case and six hundred and odd thousand dollars in the case of the other two, here comes in a proviso:

Provided, That in the settlement of these claims any bonds or other evidences of debt of either of the said States or of said city of Baltimore held by the United States on any account whatever shall be credited as offsets to the United States, as of the dates, respectively, at which the accounts will be completely or most nearly balanced, and the balance found due on such date, after deducting the principal and interest on said bonds or other evidences of debt to such date, shall be paid to or by said States and city of Baltimore, and the said bonds or other evidences of debt shall be returned to the States issuing the same.

That proviso was put in there at the instance of the Senator from Virginia [Mr. MARTIN] for the purpose of securing an adjustment which would be very liberal to Virginia. He did not know, and it was not his purpose, to have that provision of law work an outrage or an injury or a wrong to South Carolina; but such it did. The proviso which is here spoken of had this effect. In adjusting the accounts between the United States and Virginia for her claim in the war of 1812, it was found that Virginia's bonds became due, I think, in 1894, and that if the two accounts, both bearing interest, were brought down to that date even, Virginia would owe the United States a balance of more than $100,000.

But in order to adjust the account at that date when the two would "come nearest together," as the proviso specified, the accounting officers of the War Department adjusted the two accounts, went back of the date of the maturity of the Virginia bonds, brought the debt out even, declaring that Virginia owed the United States nothing and that the United States had received all due it on the bonds, and sent the settlement to the Secretary, and there it stays. It is now under advisement or revision by the Comptroller of the Treasury, who is waiting for some testimony or evidence.

I here submit a copy of the statement of settlement made by the Auditor for the War Department in the case of Virginia and in the case of South Carolina:

Clerk's statement of settlement.

TREASURY DEPARTMENT,
OFFICE OF THE AUDITOR FOR THE WAR DEPARTMENT.

The United States to State of Virginia.

For the amount found due under the provisions of the act of May 27, 1902 (Public, No. 124), as follows:		
Principal due the State		$298,369.74
Interest from July 1, 1814, to February 11, 1894		1,425,212.79
		1,723,582.53
From which deduct as follows:		
Principal of bonds held by United States	$594,800.00	
Interest from January 1, 1861, to February 11, 1894	1,181,669.33	
	1,776,469.33	
Less interest at 4 per cent for three years on $581,800	69,816.00	
	1,706,653.33	
Add as offset amount charged the State on Treasury settlement No. 7554 of 1869	16,923.70	
		1,723,577.03
Balance due State February 11, 1894		5.50

Clerk's statement of settlement.

TREASURY DEPARTMENT,
OFFICE OF THE AUDITOR FOR THE WAR DEPARTMENT.

The United States to State of South Carolina.

For the amount found due the State of South Carolina upon a readjustment of the claim of said State for and on account of advances and expenditures made during the war of 1812 to 1815 with Great Britain, as provided in the act of May 27, 1902, as follows:		
Principal due State July 19, 1832		$77,028.02
Interest from July 19, 1832, to February 19, 1899, at 6 per cent		307,726.94
Principal and interest February 19, 1899		384,754.96
From which deduct offsets against said State, viz:		
Principal of State bonds held by United States	$125,000.00	
Interest July 1, 1860, to February 19, 1899, less four years (July 1, 1867, to June 30, 1871)	259,750.00	
Principal and interest due United States		384,750.00
Balance due South Carolina February 19, 1899		4.96

From this decision I, as the State's representative in the Senate, having had charge of this matter from the beginning, appealed and asked for a rehearing, which was granted by the Secretary of the Treasury.

In our case, what was the situation? Beginning in 1832, when the last accounting was had with all the States, we found that South Carolina had a balance of $75,000 in round numbers due it then. Calculating interest on that of date 1881, when our bonds became due, we found that the United States had in its own Treasury money belonging to the State of South Carolina to the full amount of every dollar of the face value of the bonds and the matured interest, and that there was still a balance; and the figures are here to show it. I have the report of the Comptroller of the Treasury, sent to the Appropriations Committee, in which he states that if the accounts of South Carolina and the United States are adjusted as of the date of the maturity of the bonds, in 1881, the United States would receive full compensation, principal and interest, for its bonds, and that there would be this balance of $47,000 due us. Why could he not adjust it on that basis?

Mr. PLATT of Connecticut. Read it.

Mr. TILLMAN. The Senator from Connecticut asks me to read it. I was going to print it, but I will take pleasure in reading it:

Appeal No. 8724.

TREASURY DEPARTMENT,
OFFICE OF COMPTROLLER OF THE TREASURY,
Washington, February 21, 1903.

THE SECRETARY OF THE TREASURY.

SIR: In accordance with your request of the 7th instant, I have reexamined the account of the State of South Carolina with the United States, settled by the Auditor for the War Department, per Certificate No. 21221, dated January 31, 1903. The certificate of the Auditor is as follows:

"I certify that I have examined and settled the claim of the State of South Carolina and find that there is due from the United States the sum of four dollars and ninety-six cents ($4.96), for this sum being the amount found due the State of South Carolina, upon a readjustment of the claim of said State for and on account of advances and expenditures made during the war of 1812 to 1815 with Great Britain, as provided in the act of May 27, 1902, as follows:

Principal due State July 19, 1832		$77,028.02
Interest from July 19, 1832 to February 19, 1899 (66 years, 7 months, at 6 per cent)		307,726.94
Principal and interest February 19, 1899		384,754.96
From which deduct offsets against said State, viz		
Principal of State bonds held by United States	$125,000.00	
Interest July 1, 1860, to February 19, 1899, less 4 years (July 1, 1867 to June 30, 1871), 34 years, 7 months, and 18 days	259,750.00	
Principal and interest due United States		384,750.00
Balance due South Carolina February 19, 1899		4.96

The settlement of the said claim was authorized by the act of May 27, 1902 (32 Stat., 235), which provides as follows:

"That the Secretary of the Treasury be, and he is hereby, directed to readjust and pay, out of any money in the Treasury not otherwise appropriated, all claims of the States of Virginia, South Carolina, and the city of Baltimore for and on account of advances and expenditures made by said States and the city of Baltimore in the war of 1812 to 1815 with Great Britain, and in computing interest on said advances the Secretary of the Treasury shall apply the following rule, as applied by act of Congress to the claim of the State of Maryland, namely, interest shall be calculated up to the time of any payment made. To this interest the payment shall be first applied, and if it exceeds the interest due the balance shall be applied to diminish the principal; if the payment fall short of the interest the balance of interest shall not be added to the principal so as to produce interest. Second, interest shall be allowed on such sums only on which the State either paid interest or lost interest by the transfer of an interest-bearing fund, or for such length of time only as the State or city paid or lost interest aforesaid: *Provided*, That in the settlement of these claims any bonds or other evidences of debt of either of the said States or of said city of Baltimore held by the United States on any account whatever shall be credited as offsets to the United States, as of the dates, respectively, at which the accounts will be completely or most nearly balanced, and the balance found due on such date, after deducting the principal and interest on said bonds or other evidences of debt to such date, shall be paid to or by said States and city of Baltimore and the said bonds or other evidences of debt shall be returned to the States issuing the same."

The State of South Carolina presented claims on account of the war with Great Britain aggregating $255,072.43. The accounting officers of the Treasury allowed the State as follows:

December 6, 1826, settlement No. 5928	$149,300.67
February 3, 1827, settlement No. 6115	9,333.71
July 18, 1832, settlement No. 12441:	
Principal	72,847.15
Interest	126,037.09
Total	357,518.62
The State was debited as follows:	
December 6, 1826, settlement 5928, to amount twice paid	$3,081.70
December 6, 1826, settlement 5928, to amount received from sales during war credited in accounts of State quartermaster-general	552.68
December 6, 1826, to warrant 8552, October 24, 1821	114,000.00
December 6, 1826, to warrant 8580, October 30, 1821	15,000.00
December 6, 1826, to warrant 9458, June 15, 1922	26,000.00
July 18, 1832, settlement 12441, warrant 1035, June 16, 1832	3,000.00
July 18, 1832, settlement 12441, ordnance stores issued in 1832	41,625.08
July 18, 1832, settlement 12441, balance (paid by warrant No. 1328, July 19, 1832)	154,259.16
	357,518.62

By the first two settlements above referred to the State of South Carolina was allowed the sum of $158,634.38. These settlements were unsatisfactory to the State, which claimed that certain items disallowed by the accounting officers should be allowed. Interest was also claimed by the State upon the ground that the money expended was drawn from bank where it would have produced an income for the State.

Whereupon the adjustment and settlement of the said claims of the State against the United States was authorized by the act of March 22, 1832 (4 Stat., 499), which provided as follows:

"*Be it enacted, etc.*, That the proper accounting officers of the Treasury be, and they are hereby, authorized and directed to liquidate and settle the claim of the State of South Carolina against the United States for interest upon money actually expended by her for military stores for the use and benefit of the United States and on account of her militia whilst in the service of the United States during the late war with Great Britain, the money so expended having been drawn by the State from a fund upon which she was then receiving interest.

"SEC. 2. *And be it further enacted*, That, in ascertaining the amount of interest to be paid as aforesaid to the State of South Carolina, interest shall be computed upon sums expended by the State for the use and benefit of the United States as aforesaid and which have been or shall be repaid to South Carolina by the United States.

"SEC. 3. *And be it further enacted*, That the following claims of the State of South Carolina against the United States, which have been heretofore disallowed, in consequence of their not coming within the regulations of the Government, shall be adjusted and settled, that is to say:

"First. The cost of certain cannon balls purchased or procured by the said State for her military defense during the late war, and rejected by the inspecting officers of the United States, in consequence of their not being conformable to the standard fixed by the Department of War: *Provided*, That the balls so rejected shall belong to the United States.

"Second. The amount paid by the State of South Carolina for the transportation of military stores, and of her troops, in the service of the United States, as aforesaid; or recognized by them as having been called out for that purpose, over and above the number of wagons allowed to each regiment in the Army of the United States.

"Third. The pay or compensation allowed by the said State to the paymaster and commissary-general, and other staff officers, whilst they were respectively employed in making or superintending disbursements for the militia in the service of the United States as aforesaid.

"Fourth. The sum of $7,500 for blankets purchased by the State for the use of a portion of her militia whilst in the service of the United States.

"Fifth. The value of the present contract price of the muskets purchased or procured by the State of South Carolina for her militia during the late war, when in the service of the United States: *Provided*, That said muskets shall become the property of the United States: *And provided also*, That any part of the said amount may be received in arms at the present contract price.

"SEC. 4. *And be it further enacted*, That the several items hereby allowed, and the amount of interest as aforesaid, shall, when ascertained, be paid out of any money in the Treasury not otherwise appropriated."

The last settlement above referred to (No. 12441 of July 18, 1832) was made in pursuance of the act just quoted. By this settlement the balance found due the State was found to be $154,259.16, which was paid to the State by warrant No. 1328, dated July 19, 1832. This amount included an allowance of $126,037.09 for interest. The total principal allowed the State on the three settlements was $231,481.53. Deducting from this last-named amount the sum of the first two items charged to the State, supra ($3,081.70+$552.68=$3,634.38), leaves $227,847.15 which was expended by the State from her own funds to aid the United States in the war with Great Britain.

The act of May 27, 1902, supra, providing for the readjustment of the claim of South Carolina on account of expenditures made by the said State, expressly provides that "interest shall be allowed on such sums only on which the State either paid interest or lost interest by the transfer of an interest-bearing fund, or for such length of time only as the State paid or lost interest aforesaid."

The State was not compelled to, neither did she, borrow any money for the purpose indicated. Her claim for interest rests on the claim that she lost interest by the transfer of an interest-bearing fund.

It appears from the evidence that the whole amount of the expenditures of the State of South Carolina on account of the war with Great Britain, for which remuneration was claimed of the United States, was taken from the amount of $276,289.87 drawn from bank in various sums from June 13, 1812, to January 6, 1818; $54,855 was drawn from the State Bank from June 13, 1812, to August 2, 1813; the remainder was drawn from the Bank of South Carolina from August 14, 1813, to January 6, 1818.

The State claims interest at the rate of 6 per cent from March 1, 1815, on her entire expenditures for aiding the United States in the war with Great Britain because had the funds so used not been withdrawn from bank, they would have produced an income for the State of not less than 6 per cent.

The Bank of the State of South Carolina was established on behalf of and for the benefit of the State by act of its legislature of December, 1812, and commenced operations the ensuing August. It was created as a department of the State, and was charged with the payment of the public debt of the State. The income of the bank was to be considered as a part of the annual revenue of the State, subject to the pleasure of the legislature.

It is shown that from 1815 to 1847 the State derived from 4 to 16 per cent profit on the average capital invested in the bank, and that from a period prior to the bank going out of existence the State had been paying interest at the rate of 6 per cent on a greater sum than remained due the State from the United States.

It thus appears that under the terms of the act of 1902, supra, the State is entitled to interest at the rate of 6 per cent on the amount actually expended from funds withdrawn from bank and expended for the benefit of the United States, namely, $227,847.15, the computation thereon to be made as required by the said act.

The account will therefore be stated as follows:

	Principal.	Interest.	Payment by United States.
Interest Mar. 1, 1815, to Oct. 24, 1821	$227,847.15	$90,873.04	
Payment by United States Oct. 24, 1821	23,126.96	90,873.04	$114,000.00
	204,720.19		
Interest Oct. 24, 1821, to Oct. 30, 1821		204.72	
Payment by United States Oct. 30, 1821	14,795.28	204.72	15,000.00
	189,924.91		
Interest Oct. 30, 1821, to June 15, 1822		7,122.18	
Payment by United States June 15, 1822	18,877.82	7,122.18	26,000.00
	171,047.09		
Interest June 15, 1822, to June 16, 1832		102,656.76	
Payments by United States June 16, 1832:			
Cash by warrant	3,000.00		
Paid in ordnance	41,625.08	44,625.08	44,625.08
		58,031.68	
Interest June 16, 1832, to July 19, 1832		940.76	
Payment by United States, July 18, 1832	95,286.72	58,972.44	154,259.16
Balance due State July 19, 1832	75,760.37		
Interest July 19, 1832, to Jan. 1, 1881	220,235.40		
Interest Jan. 1, 1881, to Dec. 28, 1896	295,995.77		
	72,692.07		
Total due State Dec. 28, 1896	368,687.84		

It is noted here that the Auditor for the War Department in his settlement, supra, starts with a principal due the State of $77,028.02 on July 19, 1832, instead of the sum of $75,760.37, as shown above.

This action of the Auditor is based upon a report from his office made to Congress. (See Senate Document No. 232, Fifty-sixth Congress, first session.)

The principal difference between the account as stated in said report and as stated above results from an error in said report in stating the interest allowed in settlement of July 18, 1832, supra, the amount being stated as $125,476.04, instead of the correct amount, as shown by papers with said settlement, of $126,037.09, with a corresponding error in the principal, the total amount allowed being stated the same with the exception of a clerical error of 5 cents.

The statement of the Auditor is followed in the above statement except as to the inaccuracies referred to.

The United States holds $125,000 in 6 per cent bonds of the State of South Carolina, which were dated January 1, 1856, and due January 1, 1881. Interest on these bonds was not paid after July 1, 1860, excepting four years' interest which was paid from July 1, 1867, to July 1, 1871.

After deducting the interest paid, the total interest due the United States at the maturity of these bonds was therefore	$123,750.00
The principal of the bonds is	125,000.00
Total amount due on bonds January 1, 1881	248,750.00
Interest January 1, 1881, to December 28, 1896, on $125,000	119,937.50
Total amount due on bonds December 28, 1896	368,687.50

Had settlement been made on January 1, 1881, the date of the maturity of the bonds, the account between the State and the United States would have been as follows:

Total due the State January 1, 1881, supra	$295,995.77
Total due the United States January 1, 1881, supra	248,750.00
Balance due the State from the United States January 1, 1881	47,245.77

But by the act of 1902, supra, interest is required to be computed on these bonds as well as on the amount due from the United States to the date at which the accounts will be completely or most nearly balanced. The account will therefore stand as follows:

Total due the State December 28, 1896, supra	$368,687.84
Total due the United States December 28, 1896, supra	368,687.50
Balance due the State from the United States December 28, 1896	.34

The Supreme Court held in the case of United States *v.* North Carolina (136 U. S., 211) that a State is not liable to pay interest on its debts unless its consent to do so has been manifested by an act of its legislature or by a lawful contract of its executive officers.

Under this decision the State of South Carolina could not be charged with interest after the date of maturity of her bonds, that being the limit of time for which she had agreed to pay interest.

Neither could the United States be charged with interest from the time of the war of 1812 on the amount expended by the State for the benefit of the United States.

Therefore the interest allowed and charged the State in accordance with the act of 1902 is independent of contract. Congress authorizes the allowance of interest and specifies that interest is to be charged. The State, to receive the benefit of the allowance, must accept the charge. The whole statute must stand together.

The balance due the State of South Carolina under the act of May 27, 1902, supra, is therefore 34 cents, instead of $4.95 as found by the Auditor.

Upon examination and revision of the account above indicated, I find a debit difference of $4.62 as shown by certificate of difference of even date herewith, which will be forwarded to the Auditor for the War Department, who will restate the account in accordance therewith.

Auditor's certificate No. 21221, dated January 31, 1903, will be returned direct to him.

Respectfully, R. J. TRACEWELL, *Comptroller.*

NOTE.—I desire to add for the information of Congress that the chief of the division of bookkeeping and warrants for the Treasury Department reports a balance due the United States from the State of South Carolina of $340,479.89, as appears by settlement No. 9249½, dated October 6, 1900, now on file in the office of the Auditor for the War Department, which represents a charge raised against said State by said settlement on account of the value of ordnance, ordnance stores, clothing, camp and garrison equipage, taken from Frederic C. Humphrey, military storekeeper, by force of arms, by Colonel Cunningham, of the Seventeenth Infantry, South Carolina militia, December 30, 1860, while acting under orders of the then governor of South Carolina.

The above amount was not taken into consideration in this revision for the reason, among others which naturally suggest themselves, that the taking of these military stores was a tortuous and wrongful act by the State of South Carolina, and damages sustained thereby by the United States are not a proper matter to be used as a set-off in settling matters contractual in their nature.

However, as the whole matter of the respective claims of the State of South Carolina, and of the United States against the State of South Carolina, are now brought to the attention of Congress, it is suggested that such legislation be had as will forever put all these matters at final rest.

R. J. TRACEWELL, *Comptroller.*

I want Senators to see that not only was I fortified by equity and justice, but I was fortified by law. I hold in my hand the one hundred and thirty-sixth volume of the United States Reports, in which, on page 211, there is the syllabus in the case of The United States *v.* North Carolina, and I will read briefly. It was decided in May, 1890.

A State is not liable to pay interest on its debts, unless its consent to do so has been manifested by an act of its legislature or by a lawful contract of its executive officers.

On bonds of the State of North Carolina, expressed to be redeemable on a day certain at a bank in the city of New York, with interest at the rate of 6 per cent a year, payable half yearly, "from the date of this bond and until the principal be paid, on surrendering the proper coupons hereto annexed," and issued by the governor and treasurer of the State under the statute of December 22, 1852, chapter 10, which provides that the principal of such bonds shall be made payable on a day named therein, that coupons of interest shall be attached thereto, and that both bonds and coupons shall be made payable at some bank or place in the city of New York or at the public treasury in the capital of the State, and makes no mention of interest after the date at which the principal is payable, the State is not liable to pay interest after that date.

Now, the act of Congress, the omnibus claims bill, had the proviso requiring interest to be computed on both of these items, the debt which the State of South Carolina owed the United States and the debt which the United States owed us, until such time as they got "nearest together," and the same in the case of Virginia. In the case of Virginia that meant that the computation should be made before the bonds became due. In our case it meant that we should pay interest, contrary to the decision of the Supreme Court, eighteen years after the bonds became due. Virginia was treated with generosity and liberality; and she deserved it, God knows; she was cut up; her fields were desolated and destroyed; a large slice of her territory was taken off and formed into another State, and yet the State debt remained behind to be borne by the old Commonwealth; and if there is any State in the Union deserving of liberality it is Virginia. South Carolina does not want any liberality. We ask only justice according to law; and when Congress provided in this act that the accounts should bear interest after the bonds matured, and it was shown that the United States had money in its possession to settle in full, I contend it was not right or equitable to ask or require her to pay interest in that way.

The Committee on Appropriations examined it fully and were led to put upon the appropriation act the item to which Mr. CANNON objected so strenuously, simply because it meant to do a long-delayed act of justice to South Carolina and to undo the wrong which had been perpetrated upon her unintentionally by the chairman of the Committee on Claims or the Senator from Virginia, because neither of them was aware of it, and I did not know it. And that is the situation and the cause of all this outcry of blackmail, the cause for the charge that the Senate forced the House to make a "gift to South Carolina of $47,000."

Mr. President, I do not know that I care to say anything more, but I will say this: Of all the members of the other branch of Congress with whom I have come in contact, I know of no man for whom I have greater respect than I have for JOSEPH G.

CANNON. I have known of instances in which his watchfulness, his untiring energy, his grasp of our fiscal affairs have saved this country millions and millions of dollars. This is recognized so universally that he has become known throughout the country as the watchdog of the Treasury, and we all realize that it is necessary to have a watchdog there, because, from my limited observation around here, there are a great many schemes on foot to get somebody's hands into Uncle Sam's pockets.

Now, I am not complaining of Mr. CANNON that, with his numerous and necessarily arduous duties, overwhelmed as he was with the work of this committee of conference and that committee of conference, and the other, he should feel that he could not afford to take the time to investigate and must stand on the broad general proposition that new legislation on appropriation bills was unlawful, contrary to the rule, and that he would not submit to it.

He speaks here about the "unanimous consent of the two Houses," having, as I said, come to think himself, possibly, as the other House when it comes to dealing with appropriation bills. As I understand, the Senate conferees time and again offered in the deadlock the other night to have a disagreement reported and let them come to the Senate and see whether the Senate would recede by vote, and let the House conferees go to the House and see whether the House would demand that they should stick.

That is the orderly way of dealing with these matters, and whenever either House has voted to have its conferees fall down, so to speak, the Senate has always receded. It is very rarely the other House. Why did not the rule obtain Tuesday night? I have heard—I do not know whether it is true or not, and I would not like to assert it—that in the determination to secure the "unanimous consent of the House," I might say, through the instrumentality of three or four mouthpieces, and only three or four, the House had not only lost control of debate in a measure, but had lost control of the possibility of governing appropriation bills, and they had to adopt the report of the committee of conference or have the bill fail.

Now, that is what I have heard. I do not know whether it is true or not. I make no charges. But if the House, in its desire to do something with its own members, which it had a right to do, saw fit to gag itself, if it had been gagged—and I would not say it had—so that it could not speak, and decided to tie its hands and legs so that it could not walk or move, are we to be threatened and hectored and abused because of it? Surely Shakespeare's words apply here:

> Man, proud man!
> Drest in a little brief authority,
> * * * * * * *
> Plays such fantastic tricks before high heaven,
> As makes the angels weep!

I have been called a "legislative blackmailer." My "legislative blackmail" consists in this: In this very bill making appropriations to supply deficiencies there is claim after claim of States, and I find here the following items:

SEC. 4. For refunding to States expenses incurred in raising volunteers, certified to Congress at this session in House Document No. 394 and Senate Document No. 184, as follows:
To the State of Kentucky, $1,323,999.35.
To the State of Wisconsin, $458,677.90.
To the State of Maine, $228,186.94.
To the State of New Hampshire, $172,928.27.
To the State of Connecticut, $306,560.59.
To the State of New Jersey, $479,833.20.
To the State of Rhode Island, $31,289.71.

Then followed the Vermont item, which Mr. CANNON demanded should go out, and which the Senator from Vermont tells me was simply to permit an accounting and to pay sums like these to his State, due his State, acknowledged to be due, but which were held up by some technicality of settlement in the Department. But they went out. They will come back again. Then follows this item:

To pay the State of South Carolina for balance found due from the United States to said State, according to the computation made by the Comptroller of the Treasury up to January 1, 1881, as stated in his letter to the Secretary of the Treasury, dated February 21, 1903, $47,245.77, and interest upon the same at 4 per cent per annum until paid.

There Mr. CANNON felt that the honor and dignity of the House were involved to prevent South Carolina from receiving "a gift." In his speech he states that Virginia has already had $100,000. He is wholly in error. Virginia has not received a cent. Virginia does not want a cent. All Virginia asks is an exchange of receipts, and to get even. The rule applied in the Virginia case simply meant to give Virginia $150,000 in round numbers, and to take from us $100,000 in round numbers. That is about the sum and substance of it.

I convinced the Committee on Appropriations that a wrong was being done my State. I had no redress other than to put it on this appropriation bill or to go through the long and tedious and tiresome persuading process of begging somebody at the other end of the Capitol to recognize this just claim. The committee agreed that it was just and right and proper to put it on. Then the watchdog of the Treasury—tired out, weary, sleepless for hours—came in and shut his massive jaws down on this claim, and said, "Whenever you all get ready to rub that out we will agree."

Mr. HALE rose.

Mr. TILLMAN. The Senator will permit me. I am only speaking metaphorically.

Mr. HALE. Oh!

Mr. TILLMAN. I am only picturing to myself just what occurred, because I was not in the committee room, and I do not know.

Then what did I do? What ought I to have done? It has been eighty-odd years since South Carolina spent her money in defense of the national flag. Every other State in the same category has had its money and has gone—some of them fifty years ago. The Palmetto State was left out in the cold. I simply shut my jaws down on the proposition that I would have that money or I would have an extra session; and I was in a position under the rules of the Senate to enforce it, thank God. If the Senate changes its rules I may never get an item again; but, thank God, I have only one more, and that is for the reimbursement of money expended in the war of 1836 with the Indians. There are about $60,000 due South Carolina on that account. I ought to get that some day, but having levied "legislative blackmail," according to my distinguished friend, I suppose the State will have to wait until the eighty years come around. That is the limitation at which South Carolina may hope to get consideration. I suppose.

Now, while I am talking of State claims, I have a very interesting historical document right here [exhibiting]. It is a report prepared by the agent of the State of South Carolina in 1856–57–58, which was sent to Congress but not adjudicated, for claims due that State and proven to exist—clean, honest expenditures by South Carolina during the Revolutionary war, the State having spent more than $200,000. The book is so old that it is getting to be ancient. I have not had the effrontery to even let my friend the chairman of the Committee on Claims see it.

I am surprised that there should be such a disposition in the minds of some people to always use a microscope, or rather a telescope, when they look South. When any claims come up from that quarter you turn the little end right around that way and the big end to your eye; not here, as Senators are demurring, let me say, but at the other end of the Capitol. This body has always been liberal; when anybody could convince it that a proposition was just it went through. I am only speaking about what appears to exist at the other end of the Capitol.

I may misunderstand the temper of those members and it may be that I am doing them an injustice, but I am only speaking of what appears to exist and from my own experience. It would be unparliamentary for me to charge that they are sectional in their contemplation of such things. They are growing more liberal every day. The trouble about it is that all these good claims will disappear and be mixed up with bad ones and the taint of the bad ones will get on them all, so that when they have grown so old nobody knows anything about them some Congress will come along some day and take the good, bad, and indifferent, and they will all go into the pot and none of them will get paid. I only ask my good friend from Wisconsin and others over that way to examine this record to see. While I have never expected to present it, still they will see that the money is due and it is one of the equities involved in this case.

Now, there is another equity. I have shown that upon the letter of the law, the plain statute, the reports of the Treasury Department, South Carolina was justly entitled to this $47,000. I wish to call your attention to a phase of this question. These bonds which are held by the United States Government were bought in the open market in 1858. The Government at that time had money belonging to the Indian trust fund in the Treasury which was idle. South Carolina's credit was then the highest, or as high as that of any State in the Union. She had been able to get money in London and Amsterdam when very few American States could get credit. South Carolina had always paid its honest debts. At the time when the reconstruction acts went into effect our State had valuable assets, dollar for dollar, that were worth some six or seven million dollars. The reconstruction government of the carpetbaggers, I reckon I can say, stole it; it disappeared anyhow. Then they began to issue bonds—bonds for railroads, bonds to the moon, bonds for everything—until they brought the State's credit so low by the issue of twenty-five or thirty million of obligations that you could not have hawked its bonds about New York for three cents on the dollar.

Along in 1874 in their desperation, not being able to wring from us enough taxes to supply their saturnalia of robbery, they had recourse to an act of the legislature to refund the debt, to consolidate it; and they provided that such and such a class of

bonds of those that were legally issued should be received at the treasury and new bonds issued in place of them to the amount of 50 cents on the dollar. In other words, they repudiated half the State's obligation, ante-bellum and post-bellum. Along with their dishonest transactions, none of which was any benefit to the State, they repudiated every ante-bellum debt which was clean and honest and which we recognized and were anxious to pay. They put them all down to 50 cents on the dollar, including those bonds which the United States holds, which were issued to build our new statehouse in 1856. Every other creditor has been forced by the act of the reconstruction legislature to accept this settlement.

The white people, when they recovered control of the State government, found themselves bankrupt. They found the treasury empty, they found the State's finances in hopeless entanglement and confusion. We appointed a commission to go through the whole thing to sift out the dishonest and fraudulent issues of bonds from among the valid ones and to try to pay 50 cents on the dollar, principal and interest, for everything which was lawful. We have abided by that decision ever since.

Now, the United States is the only creditor of the State of South Carolina holding bonds that has ever received 100 cents on the dollar and interest since that carpetbag consolidation act. All the others had to take 50 cents. When these bonds became due in 1881 they demanded payment of our State treasurer. He notified them about the refunding act and sent them a copy of it, and said, "Send your bonds down here and we will send you new bonds to the amount of 50 cents on the dollar now selling so and so, or pay you in full, whichever you want."

Of course the United States was not going to take any 50 cents on the dollar, although its Government had been instrumental in disrupting and destroying the government which had issued those bonds, and brought about this chaos in our finances.

So there is an equity there if you want any excuse for a little "legislative blackmail." But I do not ask that. I simply want you to mete out the same justice to my State that has been given to all the others. Baltimore got her money, and Maine got hers and has forgotten it. Maryland had been here for hers for years about the time I was born. Virginia made a present, so to speak, of a clear receipt involving a gift of $150,000; that is all. If the Virginia account had been adjusted upon the basis of waiting until the bonds were due, the State would have had to pay the balance. But Congress said, "We want to be liberal to Virginia; we want her to get out of debt." The truth was, the Government got Virginia out of debt and made her a present, and brought South Carolina out even by taking from her $100,000.

Now, was I justified in threatening to filibuster? I do not know whether I was or not, but I am not sorry for it, and I thank God that I had the nerve to stand up for justice to South Carolina.

Now, apologizing to the Senate for trespassing so much on its time, I hope I have made it clear to everyone, even to Mr. CANNON, that he was in error, and that he did me an injustice personally, and that he has done the Senate a great wrong in speaking of it as he has. In his cooler moments, when he has had time to get over the excitement and strenuosity under which he had been laboring for a week, I know he will regret it. I hope it may make him less obstinate in the desire to have his own way.

So far as I am concerned, I have no malice or ill will. He called me bad names. He called the Senate bad names. He has cast an imputation upon all of us, but I reckon that we will survive it and that the Senate will continue to do business at the old stand long after Mr. CANNON has gone and long after all of us have gone, and I doubt very much whether this effort to stop legislation by "unanimous consent" will cause any change in our rules. Unanimous consent in this body means that each of 90 men must agree to a vote or speak. In the other end of the Capitol it means that 10 men must agree or nothing can be done, and the other 376 are voluntarily or involuntarily helpless to do anything. The people will have to decide which is the better way.

Mr. HALE. Mr. President, I shall take but a little of the time of the Senate. I should let this matter pass, disagreeable as it is, into oblivion, as it will pass, saying nothing, but from the fact that I had charge, by designation of the Senate, of the two appropriation bills that are referred to in this speech which was made Tuesday night in another body and which the Senator from South Carolina [Mr. TILLMAN] has quoted—the naval appropriation bill and the great deficiency appropriation bill, both bills of exceeding importance and dealing with very important branches of the Government.

So far as the naval appropriation bill goes, the conference upon it was conducted in good nature. There were great differences between the two Houses which had to be reconciled, and they were reconciled. Neither House got everything that it wanted. The House yielded in some things to the wishes of the Senate, and the Senate yielded to the wishes of the House; and on the main item upon which the conference came almost to a deadlock—the size and kind of the ships that are provided in the appropriation bill to be built for the United States Navy and the increase of officers—the compromise resulted in both classes of ships being placed upon the bill together with a large increase in officers. I do not know that out of that conference there was any element left of acrid temper or resentment. I do not suppose that either House felt that it had got its wish, but it felt that in fair conference the wisest thing to be done was done.

There was no "legislative blackmail" in the Committee on Naval Affairs by the conferees of the Senate or by the conferees of the House. It was what takes place every year upon the naval appropriation bill. The two Houses are at odds, and an adjustment is made that settles the differences in the interest of the country.

So there was no necessity whatever for that conference to be brought into the speech in another body that has been quoted from by the Senator from South Carolina.

As far as the deficiency appropriation bill goes, the Senator from South Carolina never visited the committee room in which the conference upon the deficiency appropriation bill took place. I think I am right in that. If not——

Mr. TILLMAN. Absolutely. I never went into the Appropriations Committee room.

Mr. HALE. The Senator from Iowa, who was one of the conferees, will bear me out in this. The Senator from South Carolina did not obtrude himself. If it is he who is alluded to in the speech to which I have referred, which was delivered in the House on Tuesday night, it is just and fair to say for him that the deliberations, and I may say the conflicts, which arose in the committee room upon the South Carolina and other items were not in any way disturbed, or added to, or subtracted from by anything which the Senator from South Carolina did in the committee room.

The Committee on Appropriations—the whole Committee on Appropriations—placed this item of $47,000, with interest from the time when the accounts for and against most nearly matched, upon the appropriation bill, and the Senate passed it. Many things in the last few days crowded upon the mind, so that the memory may be fallible, but I do not remember that any question was raised about it. We felt—when I say "we" I mean the whole committee and the Senate—that we had done by South Carolina what had been done for Maine, and Massachusetts, Maryland, and Illinois, and Connecticut, and Rhode Island, and other States, and that it was fair, even-handed justice.

Now, when we came to the deliberations of the conference room there were other things in controversy upon which we had conflicts. Yonder room, Mr. President, in the northwest corner of this Capitol, has been the scene of many an animated conference before now between the conferees of the two Houses. Time and again I have sat there with the Senator from Iowa [Mr. ALLISON], the Senator from Illinois [Mr. CULLOM], the Senator from Missouri [Mr. COCKRELL], and the Senator from Colorado [Mr. TELLER] and the House conferees until the morning sun shone upon the eastern front of this great building, in controversy over items. Often it has seemed as if a bill would fail, but it never has. There have been acrimonious discussions, feeling has been aroused, temper has been displayed.

I myself have done and said things in conference over which, when Congress ended and I went to my quiet place, I found nothing but the residuum of regret. I do not think any conferee has gone through with such conflicts without afterwards having that feeling. But we have always come out, Mr. President, and we have submitted to what has been agreed upon, and it has never been thought wise or prudent or desirable that because of it one House of Congress should arraign the other. It has never been thought and never been said before that the processes of one House are processes of "blackmail," that they have become so insufferable that the other House will preach a crusade against the House whom fault is found with, and will abolish the methods of the other House, with the threat that the people will stand behind the House that makes that threat.

I am glad to say, Mr. President, it has never taken place before. I read the speech delivered in another body Tuesday night with the greatest amazement and sorrow; all the more because it comes not as the impassioned and unconsidered utterance of some new man who has not had long service and whose feelings get the better of his judgment, but because it was said by a very distinguished man, a remarkably able man, who has served almost the lifetime of a generation in the House, who has earned every advancement that has attended his career, and who has the good wishes and the hopeful forecast in the greater future that will open before him, I venture to say, of every member of this body, and by none more than by me. I read the speech with all the more sorrow and surprise because such a man had delivered it.

Mr. President, there is not a man in the sound of my voice, there is no American citizen, who will read the debate and

acquaint himself with the facts who will not declare unreservedly that such language as this should not have been used. I quote from the speech:

> Your conferees had the alternative of submitting to legislative blackmail at the demand, in my opinion, of one individual—I shall not say where—or of letting these great money bills fail.

No man can read that and not say that it is improper and a breach of the privileges, which, if they are not in the written law, stand by practice and the judgment of all good men as the comity between the two Houses.

I quote again from the speech:

> I do it in sorrow and in humiliation, but there it is; and in my opinion another body under these methods must change its methods of procedure, or our body, backed up by the people, will compel that change, else this body, close to the people, shall become a mere tender, a mere bender of the pregnant hinges of the knee, to submit to what any one member of another body may demand of this body as a price for legislation.

Mr. President, I go further than this. I can not believe that the distinguished Representative who uttered these words is an exception to the regret which every man must feel when he reads these charges and this arraignment of the Senate. I can not believe that he is an exception to that feeling. I believe to-day, sir, that when on the next morning he took down the RECORD and read these words which he had uttered under more or less excitement he regretted it, too, and there I am willing to leave it.

Mr. President, the words will not remain; the speech will be forgotten. It will pass to the oblivion to which it should be consigned. The man who made it will go on to higher places, and in his life he will have a hundred things to which he can turn in pride, but he will never have anything but regret at having spoken as he did. The words will go out of our memories and the two Houses will remain; they will go on legislating. Each will have its methods and its rules. This body will not be compelled by the other body, and there will be no attempt to compel the other body. Comments now and then will be made, but each body will go on under its own rules. Out of it will continue the life and the prosperity of the Republic. Great measures will be enacted, measures for the benefit not of party, but for the whole people, for the present and the future. They will repose, Mr. President, in silence upon the statute books.

Their passage and their embodiment as a part of the accepted laws of the Republic will not be attended with threats and noise and tumult and clamor. There on the statute books they will stay; there they will receive the reverence of the people and the obedience of the people.

Speech is not everything—not by any means! It is evanescent. Intemperate speech is all the more fleeting. The great river of legislation will flow on silently, bearing upon its bosom beneficent results for the people. Intemperate speech will not arrest it nor disturb it. Its majestic strength can not be so ruffled.

> The shallows murmur, while the deeps are dumb.

Mr. ALLISON. Mr. President, I only wish to add a few words to what has been so well said by the Senator from Maine [Mr. HALE], the chairman of the conference committee on the bill about which this controversy has arisen, and also to commend and approve every word which has been said by that Senator respecting the remarkable speech made in the other House at the close of the last session.

I was a member of the conference committee on the part of the Senate on the deficiency bill, and so far as I can remember that bill was considered in the main by the conferees on the part of both Houses in good temper. The bill came to the Senate, as I remember, on the 24th day of February, when it was referred to the Committee on Appropriations. It was a very voluminous bill; it embraced many items, and it included, as nearly every other appropriation bill which has been presented to the Senate from the other House during this session included, legislation. The committee considered the bill as rapidly as possible and reported it to the Senate on the 28th day of February, only a few days before final adjournment. In my experience on the Committee on Appropriations we have never sought to go behind an appropriation bill as presented to us in order to inquire whether a certain item in the bill was passed by the other House in violation of its rules. We have always taken it for granted when an item of legislation appeared here upon an appropriation bill coming from the other House that it had been passed in accordance with their rules.

For illustration, in the sundry civil appropriation bill, which came here a few days ago, there was a legislative proposition involving an addition to the Capitol building costing two or three million dollars—a pure matter of legislation. We had no power, nor had we the disposition, to inquire whether that legislation was put on in the other House in violation of its rules or in accordance with its rules. It is always taken for granted here that the other House proceeds in accordance with its rules, because we read in this fundamental law of ours that these two Houses, respectively, shall make their own rules of procedure, and that neither House is to be lectured as to what its rules are or ought to be, much less is it to be supposed that one House can compel the other to make rules which are suited to the House which makes the complaint.

So, when I saw in the remarks which have been referred to, which were made in the other House in the closing hours of the last session, that we were notified that if we did not voluntarily change our rules of procedure the other House, composed of 386 members as against our 90 members, would force us to change our rules, and that that course would meet the approval of the American people, I thought such a statement was contrary to the comity that should prevail between these bodies. If I were to say here respecting the House of Representatives which is to convene here next December, that if they did not modify their rules of procedure we would raise an issue with them whereby they should be compelled to change their rules, I should think, Mr. President, that an utterance of that character would not be in accordance with that comity which should prevail between the two Houses, who coordinately, with the approval of the President, create the legislation which is to govern a great people.

The very essence of the organization of our Government in this particular was that Congress should consist of two Houses, and that those Houses by the spirit and the letter of the Constitution should be independent bodies; that they should each make their own rules and decide for themselves their course of procedure.

Mr. President, I think it is fitting that we should say not once, but always, that the rules of procedure of this body shall be settled by the body itself in accordance with its own best judgment. We are proceeding now under rules which have been practically the rules of this body since it was organized in 1789. Although we have modified and changed our rules in various particulars, the rule which was then established, and which is complained of in the speech to which reference has been made, is to-day the rule of this Senate, as it was when the Senate was first organized. We may change our rules, and perhaps we ought to change and modify them in some respects, but here they are; and this arraignment made in the other House is an arraignment of the rules we have established, because it is insisted that our jurisdiction over appropriation bills ceases when we cross the Rotunda of the Capitol or even perhaps when we get to the center of it.

As I understand our duty here, and as I understand the Constitution of our country, although it is within the province of the House of Representatives to initiate certain bills, namely, revenue bills—appropriation bills are not named in the Constitution, although by courtesy and by comity the House of Representatives has originated appropriation bills practically from the beginning of the Government—when those bills come here they are our bills as well as bills of the House of Representatives. There can not be a single claim passed without our assent and our consent. We can make amendments upon those bills as we choose to make them.

If we have rules which we do not strictly enforce, that is our business and not the business of any other body that I know of. Under our rules the Committee on Appropriations recommended to the Senate a great many changes and additions to the deficiency appropriation bill, as they make recommendations for additions and changes respecting all the other bills which come to them from the House of Representatives.

Among other changes we made in the deficiency appropriation bill were two respecting State claims; and I may say here, in passing, so far as those State claims are concerned they do not stand and ought not to stand upon any technicality as between the two Houses. There is a comity between this great Government of ours and the States of the Union whereby the proper adjustment of State claims should be made, and made as speedily as the situation and the circumstances will allow. We have been making appropriations for the payment of State claims year by year for more than twenty years, and during the last two years it has been sought to finally close up all such claims.

When the deficiency bill came to us from the House of Representatives it contained a large number of State claims. We inserted two State claims which were not included in the bill as it came from the other House, one of them the claim of the State of Vermont and the other that of the State of South Carolina.

We believed—I think I can say it was the unanimous judgment of the Committee on Appropriations—that the settlement proposed in the bill for the State of South Carolina was a just and proper settlement, and the Senate adopted the suggestion of the Committee on Appropriations.

When we got into conference on the deficiency bill we found these two items in dispute, as well as many other items. The differences between the two Houses were gradually narrowed down until finally the only two items in dispute were the two State claims to which I have referred.

I need not and will not discuss the arguments which were presented by the conferees on the part of the House regarding those claims. We could not agree to them. We said to the House

conferees, "If you are opposed to these claims, we will agree upon every other item in the bill which has been in difference, and we will disagree upon these two items." This has been the ancient custom of conferees of this body upon appropriation bills. I remember only two years ago we had five or six conferences upon contested questions on the sundry civil appropriation bill. It has been the custom to endeavor to bring the two Houses together as rapidly as possible, and then to deal as best we can with the items in dispute. Why do we do that? We do it in order that the two Houses, without the dictation of the conferees, shall have an opportunity of saying whether they will agree to the particular items in dispute or not.

The House of Representatives, when the deficiency appropriation bill went to them, disagreed to the Senate amendments en bloc, and did not consider any item in the bill. They at once appointed a committee of conference. When our conferees met the conferees appointed by the other House we said to those gentlemen, "We will close this bill in every item except the items which you disagree to; and we will take those items into the Senate and you may take them into the House of Representatives, and it is probable that one or the other House will recede; but let us not arbitrarily undertake to bind the two Houses upon items that are seriously in dispute."

The House conferees would not do that. Why not? Was it on account of the rules of the Senate? No; the primary cause, as I believe, was that they knew that under the rules of that House they were in such a situation as that they could not take this bill back with any item in disagreement; and, therefore, if this bill had failed, it would have failed not on account of the rules of the Senate, but on account of the situation in the House of Representatives, whereby they could not pass the bill. Therefore whatever constraint was put upon them was put upon them not by the Senate conferees, but by the House conferees themselves, knowing that under the situation in the other branch that great bill would fail.

It was said in the speech to which we are now alluding that the deficiency bill involved many items of great importance, and therefore they could not wait to submit the matter to the House of Representatives. Why could they not wait? We could have waited. We had more than twelve hours remaining of the session, and during a time as limited as that I have seen, as many of the older Senators have seen, appropriation bills pass. I have seen them pass even in the very last hours and moments of a session. It was my experience some years ago, as chairman of the Appropriations Committee, to receive the sundry civil bill about the hour of midnight of the closing day of the session. That bill was considered by the Committee on Appropriations in great haste between that time and the small hours of the morning; it was reported to this body, considered, and passed, and it was not finally enrolled until the very last moments of the dying hour of that Congress. Therefore, whatever was done about this bill was not done because of the rules of the Senate or because of the action of the Senate, for conference committees have over and over again made partial reports, agreeing as to certain items and disagreeing as to others, and they have come back and made other partial reports as to disagreed-to items many times before a final decision has been made.

Mr. TILLMAN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from South Carolina?

Mr. ALLISON. Certainly.

Mr. TILLMAN. In regard to the procedure on this bill especially, I want to recall to the Senator's attention a matter that occurred when the last section in relation to the appropriations for the Department of Commerce and Labor was put on at the instance, as we were informed, of members of the other House, who stated that they never otherwise would be able to get it through there, and we assisted them in facilitating legislation, necessary legislation, by adding those items as amendments when they were a change of existing law, or rather they were legislation pure and simple, and nobody objected to that.

Mr. CULLOM. That is true also in reference to the public-buildings bill.

Mr. ALLISON. The Senator from South Carolina [Mr. TILLMAN] is right as respects the new Department of Commerce and Labor, and the same thing was also true in relation to the public-buildings bill.

When we brought in here the general deficiency bill we inserted in it a general provision relating to appropriations for public buildings before the bill regarding them had passed either House. When we came to consider the details upon the deficiency bill it was necessary for us to expand that appropriation into just such provisions as we thought would meet the views of the conference committee on the part of the House Public Buildings Committee.

Mr. HOAR. I should like to ask the Senator a question. Is it not true that there were items put in the bill in the Senate at the request of the members of the other House or of the House conferees, which, after being put in at their request here, were disagreed to en bloc with the others?

Mr. ALLISON. That is true.

Mr. HOAR. So that this criticism comes as to the rules of the Senate when the House is in the attitude of dissenting to what is put in a bill on its own request.

Mr. ALLISON. They dissented to all our amendments.

Mr. HOAR. Yes.

Mr. SPOONER. That was pro forma.

Mr. ALLISON. You may call it pro forma. It was pro forma because that is the usual custom of the House.

Mr. WARREN. Mr. President, I wish to say that, in regard to the public-buildings bill, it was introduced in this body expressly on the suggestion of members of the other body because of their peculiar position; and they objected, too, to the items in that bill en bloc.

Mr. ALLISON. They asked us to put that on, which we did, and then adjust it in conference, but they changed it in many respects in conference.

Mr. President, I have made these recitals and this statement for the purpose of showing that the speech to which reference is being made placed the consent of the conferees upon the part of the House to the amendment relating to the claim of the State of South Carolina, not upon the ground stated as respects our rules and the repugnance of the House to them, for our rules would have permitted the orderly proceeding which has prevailed in this Chamber since my experience, at least, in the two bodies. Therefore whatever of dereliction there was in regard to this item—for it was finally the only item that was seriously disputed—whatever occurred concerning this item occurred because the House, for reasons of their own and for reasons not arising in this body, could not adopt the orderly and usual proceeding and the orderly and usual method of legislation by taking the item into the House and into the Senate and having the judgment of the two Houses upon it.

So, Mr. President, I am pained to see what seems to me to be a violation of the rules of the House itself, a statement made there as to what occurred here at that time, which influenced the House regarding these appropriations; and it is also stated in the report that at the conclusion of the speech there were "loud and prolonged cheers." Why? Because the Senate had been held up on the gibbet of public opinion as respects its rules compared with the rules of the House of Representatives, so saintly in their nature and character.

I wish to put the position of the Senate and its conferees where it ought to be in the RECORD. I regret as much as any Senator can regret that the House of Representatives, instead of being informed of the actual situation, was led to put the blame upon the rules of the Senate, which we have made and which we have acted under for more than a hundred years, and which, when they need change, if they do, will be changed by the Senate of the United States and not by any coordinate body.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

Mr. TELLER. I hope the Senator will withhold that motion, as I desire to say a word in regard to this matter.

Mr. CULLOM. I yield to the Senator from Colorado.

Mr. TELLER. Mr. President, I was one of the members of the conference committee on the deficiency bill. Soon after I came out of the committee a Senator said to me that he understood that the claim which had been put in the bill over which the controversy had existed was without foundation. I want to say that there was no question of controversy in the committee as to the validity of that claim. The members of the Senate composing that committee gave careful attention to that question, and asserted to the House conferees that they knew it was a just and valid claim.

I myself have had a good deal of experience with State claims, both as a member of the Committee on Appropriations and the Committee on Claims. No controversy arose as to the merits of this claim. The controversy was that it was legislation, and, therefore, it was against the rule of the House and the rule of the Senate that it should be placed on an appropriation bill. It was a question whether or not it was pure legislation; but if it had been it would have been entirely proper for this body to have incorporated the claim in the bill whenever it saw fit to suspend its rules in regard to putting general legislation on an appropriation bill. I have seen it done more than a hundred times in my service in this body. The House has the same right to contest that as it has any other action of ours, and no greater right. The House has a rule which says that legislation shall not be put on an appropriation bill, and we have a rule of the same kind. If we suspend our rule, the House of Representatives could contest that action, not on the ground that it was a violation of our rule or a violation of their rule—for it has nothing to do with

their rules—but on the ground that it was indefensible either in principle or policy.

I think I should not exaggerate if I should say that the House of Representatives in the last twenty-five years have sent to this Senate I presume from fifty to one hundred pieces of legislation in violation of their own rule. They violate it whenever they see fit. They do not violate it in the proper sense, but for the time being they suspend it.

I recall some occasions when the House sent here in appropriation bills important items involving controversies and which were carried on for many weeks, the Senate resisting them. The Senate did not resist them upon the ground that our rule or theirs provided against such items of legislation. While we might have invoked that principle, we resisted on the ground that it was improper legislation, and that the House was putting on an appropriation bill legislation that they did not believe they could otherwise pass, thus forcing the Senate either to let the appropriation bill be defeated or to permit the enactment of a law which the judgment of the Senate did not approve.

The danger of such an occurrence justifies the rule; but I have myself seen very many cases where there was a justification for the abrogation of the rule, temporarily at least, by either body, or by both bodies.

Mr. SPOONER. A failure to abrogate the rule might sometimes be vital to the Republic.

Mr. TELLER. As the Senator from Wisconsin suggests, a failure to abrogate the rule might be vital to the Republic. In the expiring hours of Congress, when we did not want an extra session—which is always to be avoided, I think, if possible—such an abrogation might be necessary. It has been necessary. I recall a number of cases where urgent demands were made for legislation that could not have been secured for many months in any other way. I recall, as the chairman of the Committee on Appropriations will recall, the occasion where there was a wrong decision as to a statute that we had enacted. It was enforced by the Interior Department in such a way as to be a great burden on the land seekers and home makers in the West. We made an attempt to repeal that act pro tanto, so as to remove the restriction, which had actually prevented the entry of homestead or preemption pieces of land in the United States. There were a hundred and forty or a hundred and fifty thousand complainants. The House resisted, because it was legislation. We continued the effort until the House yielded and the legislation was enacted.

Mr. President, the statutes are full of legislation on appropriation bills, originating here and originating in the House. If we should bind ourselves that under no condition whatever would we put upon an appropriation bill what might be called legislation, we would simply be without the full legislative power. The House must originate the appropriation bills. When they send them over here with legislation to which they adhere and we are powerless to prevent it unless we allow the bill to fail, the House ought not to complain if we sometimes exercise the same right.

Mr. President, I do not care to go into any question as to the remarks of the chairman of the Committee on Appropriations of the House. Enough has been said upon the subject. I have a very kindly feeling for the gentleman and I do not desire to say anything unfair, and I am sure, as far as I am concerned, I only feel that they were inappropriate and out of place. I presume it will not happen again, and very likely so, although since I have been in the public service I have heard things of the same kind, emanating sometimes from that branch and sometimes from this, which, if we desire to maintain the good relations that the two legislative bodies must maintain, ought never to have been said. Yet there is nothing to be done that I know of except to forget it as soon as possible.

ADJOURNMENT TO MONDAY.

Mr. CULLOM. I move that when the Senate adjourn to-day it be to meet on Monday next.

The motion was agreed to.

REFERENCE OF MEMORIALS.

Mr. HOAR. Mr. President, I move that the various remonstrances or protests in regard to the election of certain Senators who have been sworn in to-day—I have not all of them in memory just at this moment—shall be referred to the Committee on Privileges and Elections. I make this motion at the request of the chairman of the Committee on Privileges and Elections.

The PRESIDING OFFICER (Mr. BURNHAM in the chair). The question is on the motion of the Senator from Massachusetts.

The motion was agreed to.

EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened.

Mr. LODGE. I move that the Senate adjourn.

The motion was agreed to; and (at 3 o'clock and 15 minutes p. m.) the Senate adjourned until Monday, March 9, 1903, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate March 5, 1903.

COLLECTOR OF CUSTOMS.

William D. Crum, of South Carolina, to be collector of customs for the district of Charleston, in the State of South Carolina, in place of Robert M. Wallace, deceased. Mr. Crum was nominated for this position at the second session, Fifty-seventh Congress, but failed of confirmation.

DISTRICT JUDGE.

Page Morris, of Minnesota, to be United States district judge for the district of Minnesota, commencing July 1, 1903. An original appointment under the act of Congress approved February 4, 1903, entitled "An act providing for an additional district judge in the district of Minnesota."

UNITED STATES ATTORNEY.

William Michael Byrne, of Delaware, to be United States attorney for the district of Delaware. A reappointment, incumbent's commission having expired March 4, 1903.

ASSISTANT TO THE ATTORNEY-GENERAL.

William A. Day, of the District of Columbia, to be assistant to the Attorney-General, as provided in the act of Congress approved March 3, 1903, entitled "An act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1903, and for prior years, and for other purposes."

ASSISTANT ATTORNEY-GENERAL.

Milton D. Purdy, of Minnesota, to be Assistant Attorney-General, as provided in the act of Congress approved March 3, 1903, entitled "An act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1903, and for prior years, and for other purposes.

POSTMASTER.

MISSOURI.

Samuel J. Wilson, to be postmaster at Macon, in the county of Macon and State of Missouri, in place of Samuel J. Wilson. Incumbent's commission expired February 14, 1903.

SENATE.

MONDAY, *March 9, 1903.*

Prayer by Rev. F. J. PRETTYMAN, of the city of Washington, RUSSELL A. ALGER and JULIUS C. BURROWS, Senators from the State of Michigan; JOHN W. DANIEL, a Senator from the State of Virginia; CHARLES H. DIETRICH, a Senator from the State of Nebraska; JOHN F. DRYDEN, a Senator from the State of New Jersey, and H. D. MONEY, a Senator from the State of Mississippi, appeared in their seats to-day.

NAMING OF A PRESIDING OFFICER.

Mr. KEAN called the Senate to order, and the Secretary read the following communication:

PRESIDENT PRO TEMPORE UNITED STATES SENATE,
Washington, D. C., March 5, 1903.

To the Senate:

I hereby name Hon. JOHN KEAN, Senator from the State of New Jersey, to perform the duties of the Chair during my absence.

WM. P. FRYE,
President pro tempore.

Mr. KEAN thereupon took the chair as Presiding Officer, and directed that the Journal be read.

The Secretary proceeded to read the Journal of the proceedings of Thursday last, when, on request of Mr. LODGE, and by unanimous consent, the further reading was dispensed with.

SWEARING IN OF SENATORS.

Mr. LODGE. There are, I believe, several Senators-elect to be sworn in.

Mr. COCKRELL. My colleague, the Senator-elect from Missouri [Mr. STONE], the Senator-elect from Arkansas [Mr. CLARKE], and probably others have not yet been sworn in. I ask that their names be called and that the oath of office be administered to them.

Mr. LODGE. That is the point I made.

The PRESIDING OFFICER. The names will be called.

The Secretary called the names of—

Mr. ANKENY, Mr. CLARKE of Arkansas, Mr. GALLINGER, and Mr. STONE.